IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

Civil Revision 1488 of 20006(O&M)
Date of decision: January 25,2007

Smt.Sumitra Devi V. Subhash Chander and another

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Sanjiv Gupta,Advocate, for the petitioner.
Shri P.S.Jammu, Advocate, for the respondents.

Viney Mittal,J.(Oral)

Plaintiff having lost concurrently before the two courts below in their prayer for issuance of ad-interim injunction, is the petitioner before this Court.

The facts, which emerge from the record, show that the plaintiff has purchased some property from the original owner, Shanti Devi. She claimed that open space adjacent to the property purchased by him, is also in his possession. Consequently, he claimed that defendants, who were trying to forcibly dispossess her, have absolutely no right to do so. Shee filed a suit for permanent injunction. Along with the suit, she filed an application for issuance of ad-interim injunction.

Both the Courts below have found it as a fact that the plaintiff has failed to prove any prima facie case in her favour inasmuch as it has not been shown that she has any right title or interest in the land in question. Additionally, the courts below have also held that the plaintiff was not even shown to be primafacie in possession of the suit property.

It may also be noticed that defendants have set up an agreement in their favour executed by original owner,Shanti Devi with regard to the suit land. On that basis, they claimed possession.

Keeping in view the facts and circumstances of the case and also various observations made by the courts below, I do not find any justification to interfere in the present revision petition.

Dismissed.

However, it is made clear that anything observed in the present order by this court shall not be taken to be an expression of opinion on merits of the case.

January 25,2007 (Viney Mittal)
sks Judge